

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

The City Council convened in Regular Session on Tuesday, July 1, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46858

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS AND ADMINISTRATIVE HEARING

City Clerk Marilyn McCoy announced that the following Public Hearings would be rescheduled to the Regular Council Meeting scheduled for July 15, 2008, due to the rescheduling of the Planning & Zoning Commission Meeting to July 7, 2008:

A. Public Hearings

1. Case No. CU-16-08. (Bass Pro Shops) An application for a Conditional Use Permit for temporary retail sales from July 17<sup>th</sup> through July 20<sup>th</sup>, 2008 and August 1<sup>st</sup> through August 25<sup>th</sup>, 2008. The Applicant proposes to conduct retail sales in a 800 square-foot temporary tent located in the parking lot adjacent to the outdoor display area. The subject property is located at 1365 S. Fifth Street in Ward 2. ***(Public Hearing is Rescheduled to July 15, 2008)***
2. Case No. CU-17-08. (Daniel Honerkamp - Shive Hattery) An application for a Conditional Use Permit to construct a new cell tower (Band Box Cleaners) within the C-2 General Business District and the Extended Historic District. The applicant proposes to construct an eighty (80) foot stealth monopole tower with associated equipment and screening within the existing parking lot area. The subject property is located at 200 N. Kingshighway in Ward 1. ***(Public Hearing is Rescheduled to July 15, 2008)***
3. Case No. CU-18-08. (Cole & Associates) An application for a Conditional Use Permit for a drive-thru ATM within the existing Lowe's Home Improvement Store parking lot within the C-2 General Business District. The proposed ATM drive-thru will be a single-unit and will be located within the existing layout of the site. The subject property is located at 2934 West Clay St. in Ward 6. ***(Public Hearing is Rescheduled to July 15, 2008)***
4. Case No. CU-20-08. (Civil Engineering Design Consultants) An application for a Conditional Use Permit and Site Plan for a new drive-thru restaurant within the C-3 Highway Business District. The applicant proposes to construct a 3,050 sq. ft. building with associated parking at the southwest corner of the Cave Springs Shopping Center. The subject property is located at 2760 Muegge Road in Ward 6. ***(Public Hearing is Rescheduled to July 15, 2008)***

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

5. Case No. CU-21-08. (Civil Engineering Design Consultants) An application for a Conditional Use Permit and Site Plan for a new drive-thru restaurant within the C-2 General Business District. The applicant proposes to construct a 3,050 sq. ft. building with associated parking along the east side of Elm St. south of Hwy 370. The subject property is located at 3784 Elm Street in Ward 8. ***(Public Hearing is Rescheduled to July 15, 2008)***
6. Case No. DR-05-08. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, specifically Section 156.085: Animals, by adding language to allow occupants of dwelling units in all residential zoning districts and dwelling units in the C-O and C-1 zoning districts to keep one (1) pot bellied pig as a domestic pet. ***(Public Hearing is Rescheduled to July 15, 2008)***

B. Administrative Hearing

The President of the Council Jerry Reese announced that the following Administrative Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

1. Administrative Hearing to Consider an Appeal of a Decision of the Landmarks Board to Deny a Request for Exterior Changes for the Structure Located at 912 South Main Street

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9658 Authorizing a Cooperation Agreement with Show-Me Aquatics & Fitness for the Financing, Construction Operation and Management of a Community Center

***Joe Kloeppe***, 2905 Concordia, spoke in opposition to Council Bill 9658.

Council Bill 9681 Approving an Administrative Regulation Relating to Towing Services

***John Winkelmeier***, 2991 Fox Bluff, spoke in opposition to Council Bill 9681.

Council Bill 9692 Amending Section 115.34 of the Code of Ordinances Pertaining to Limitations on Granting Licenses

***Michael Franklin***, 320 Tompkins, spoke in support of Council Bill 9692.

***Kenneth Brunstein***, 204 North Main Street, spoke in support of Council Bill 9692.

Items 8.G.2, 8.G.3, and 8.G.4 Approval of Liquor License Applications for Williams K. Hollis dba Circle K, Located at 3401 Harry S Truman Boulevard, 3700 Elm Street, and 2702 Droste Road

***Keith Hollis***, Spirit Energy, Mac's Convenience, 5203 Summerfield Drive, Imperial, Missouri 63052, spoke in support of the liquor license applications.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

---

***Daniel Sakaguchi***, Mac's Convenience Store, LLC, One Metropolitan Square, Suite 3000, St. Louis, Missouri 63102, spoke in support of the liquor license applications.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

***Terry Cole***, M. T. Rockers, 330 Cozy Court Drive, voiced concern relative to the liquor license application submitted to the City for M.T. Rockers located at #7 Hawk's Nest. Councilmember Bob Kneemiller requested that the application for liquor license be placed on the Special Council Meeting scheduled for July 8, 2008; and that a timeline be prepared indicating the date on which the application for a liquor license for M.T. Rockers was received by Staff, and the dates on which action was taken on the application.

BILLS FOR FINAL PASSAGE

**Bill 9633 (*Tabled*)**

An Ordinance Authorizing a Contract with Coe Equipment, Inc. for the Purchase of One (1) 2009 International 7400 SBA 4x2, 41,000 lb. G.V.W.R. Single-Axle Sewer Cleaning Vacuum Truck in an Amount Not to Exceed \$258,657.00 (*Sponsor: Jerry Reese*)

Council Bill 9633 was tabled by Sponsor Jerry Reese.

**Bill 9637 (*Withdrawn*)**

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees by Creating Two New Sections to be Known as Sections 33.205 and 33.206 Establishing Oktoberfest Area, Committee and Rules and Regulations (*Sponsors: Michael Klinghammer and Richard Veit*)

Council Bill 9637 was withdrawn from Council consideration by Sponsors Michael Klinghammer and Richard Veit.  
File #46859

**Bill 9653 (*Referred to the Council Work Session Scheduled for July 8, 2008*)**

An Ordinance Authorizing a Contract with Gershenson Construction Company, Inc. for the River Observation Platform Project in an Amount Not to Exceed \$118,242.00 (*Sponsor: Jerry E. Reese*)

Council Bill 9653 was referred to the Council Work Session scheduled for July 8, 2008, by Sponsor Jerry Reese.

**Bill 9658 (*Amended*)**

An Ordinance Authorizing a Cooperation Agreement By and Between the City of St. Charles and ShowMe Aquatics & Fitness for the Financing, Construction Operation and Management of a Community Center (*Sponsors: Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

---

Councilmember Dave Beckering voiced concerns relative to the proposed agreement with ShowMe Aquatics & Fitness. Discussion was held relative to the contract with ShowMe Aquatics & Fitness and the construction of a community center. ShowMe Aquatics & Fitness Representative Patrick Banger responded to various inquiries of Councilmembers. A motion was made by LAURIE FELDMAN to amend Council Bill 9658 by revising the Cooperation Agreement with ShowMe Aquatics & Fitness for the financing, construction, operation and management of a Community Center in accordance with the agreement attached to Proposed Substitute Bill No. 1. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Reese, Stivison, Veit, Weller, Ermeling, Feldman, Klinghammer, and Kneemiller. "Nay": Beckering. Absent: None. Motion passed.

Further amendment was made to Council Bill 9658, following Closed Session, as reported on Pages 178 and 179 of the Record.

**Bill 9675**

An Ordinance Approving the First Amended Condominium Plat of The Boulders at Katy Trail Condominium, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

**Passed** "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer  
"Nay": None  
Absent: None

**Approved** by the Honorable Mayor on July 3, 2008, and is known as **Ordinance 08-132**

**Bill 9681 (*Withdrawn*)**

An Ordinance Approving an Administrative Regulation Relating to Towing Services (*Sponsor: Bob Kneemiller*)

Discussion was held relative to the current towing services, and the possibility of bidding the towing services. Councilmember Bob Kneemiller stated that the companies chosen to provide towing services for the City should be based on service provided and cost. Councilmember Bob Kneemiller requested that copies of sample Request for Proposals from the cities of St. Peters and O'Fallon be obtained and that a draft Request for Proposal be presented to the Council by August 1, 2008; and that the Administrative Regulation Relating to Towing Services be amended to reflect bidding of the towing services. Council Bill 9681 was withdrawn by Sponsor Bob Kneemiller.

File #46860

**Bill 9682**

An Ordinance Repealing Ordinance 08-08 and Enacting a New Ordinance Authorizing a Public Works Mutual Aid Agreement By and Between the City of St. Charles and Other Municipalities and Political Subdivisions to Provide Mutual Aid Relating to Emergency Preparedness, Response and Recovery in the Event of a Natural Disaster or Emergency Condition (*Sponsor: Bob Kneemiller*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

---

**Passed** “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,  
Ermeling, Feldman, and Klinghammer  
“Nay”: None  
Absent: None  
**Approved** by the Honorable Mayor on July 3, 2008, and is known as **Ordinance 08-133**

**Bill 9683**

An Ordinance Approving the Record Plat for Elm Point Commons Plat Two, a Subdivision in the City of St. Charles, Missouri (*Sponsor: Michael Klinghammer*)

**Passed** “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,  
Ermeling, Feldman, and Klinghammer  
“Nay”: None  
Absent: None  
**Approved** by the Honorable Mayor on July 3, 2008, and is known as **Ordinance 08-134**

**Bill 9684**

An Ordinance Approving the Record Plat for Boonslick Medical, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Larry Muench*)

**Passed** “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,  
Ermeling, Feldman, and Klinghammer  
“Nay”: None  
Absent: None  
**Approved** by the Honorable Mayor on July 3, 2008, and is known as **Ordinance 08-135**

**Bill 9685**

An Ordinance Amending Chapter 40 of the Code of Ordinances by Amending Section 40.03 Pertaining to Contract Procedures (*Sponsor: Jerry Reese*)

A separate vote was taken on Council Bill 9685, with the following results:

**Passed** “Aye”: Reese, Stivison, Veit, Weller, Ermeling, Feldman, Klinghammer,  
Kneemiller, and Muench  
“Nay”: Beckering  
Absent: None  
**Approved** by the Honorable Mayor on July 3, 2008, and is known as **Ordinance 08-136**

**BILLS FOR INTRODUCTION**

The following Council Bills were introduced:

**Bill 9686**

An Ordinance Amending Ordinance Number 07-316 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2008 (Budget Amendment #4) (*Sponsors: Jerry Reese, Richard Veit, Michael Weller, Larry Muench, Laurie Feldman, Bob Kneemiller, and Ron Stivison*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

---

**Bill 9687**

An Ordinance Authorizing Amendment No. 2 to the Contract with Information Technologies, Inc. (ITI) for the Lease of Police Computer Aided Dispatch (CAD) and Records Management Systems (RMS) for the Police Department in an Amount of \$34,479.76, for a Total Amount Not to Exceed \$339,994.51 (*Sponsor: Jerry Reese*)

**Bill 9688**

An Ordinance Authorizing a Contract with Purler-Cannon-Schulte, Inc. for the 710 Water Street Storm Sewer Improvement Project in an Amount Not to Exceed \$171,500.00 (*Sponsors: Larry Muench and Michael Klinghammer*)

**Bill 9689**

An Ordinance Authorizing an Agreement with the State of Missouri, Division of Family Support, for Receipt and Disbursement of Emergency Shelter Grant Funds on Behalf of the Women's Center of Bridgeway Counseling for Federal Fiscal Year April 1, 2008 Through March 31, 2009 (*Sponsor: Larry Muench*)

**Bill 9690**

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees by Creating a New Subchapter Heading, Pertaining to the Festival of the Little Hills and also Creating One New Section, to be Known as Section 33.205, Establishing an Oktoberfest Committee and its Rules and Regulations (*Sponsors: Michael Klinghammer and Richard Veit*)

**Bill 9691**

An Ordinance Vacating a Ten (10) Foot Wide Utility Easement Located on Lot 13 of The Manors of Wynnbrooke (*Sponsor: Michael Klinghammer*)

**Bill 9692**

An Ordinance Amending Section 115.34 of the Code of Ordinances Pertaining to Limitations on Granting Licenses (*Sponsor: Richard Veit*)

A request was made by Councilmember Richard Veit to place Council Bill 9692 on the Special Council Meeting scheduled for July 8, 2008.

**CONSENT AGENDA**

Councilmember Bob Kneemiller removed *Item 8.B.2. Street Committee Meeting of June 10, 2008 (a. Motion that the speed humps at the following locations be removed i. Nantucket Drive between Norwich Drive and Mockingbird Drive (Ward 10) ii. Boschert Drive between Pine Street and West Clark Street (Ward 7) iii. Chesstal between Charwood and Chargene (Ward 9)* from the Consent Agenda. Councilmember Dave Beckering removed *Item 8.E.2. Contract with Reitz & Jens, Inc. for Design of Flood Protection Along Sandfort Creek in the Amount of \$93,964.00* from the Consent Agenda. A motion was made by LARRY MUENCH to receive

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

and approve the balance of the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Special Council Meeting of June 10, 2008
2. Special Council Meeting of June 17, 2008
3. Regular Council Meeting of June 17, 2008
4. Administrative Hearing of June 17, 2008

File #46861

B. Receipt and/or Approval of Council Committee Reports

1. Finance & Audit Committee Meeting of June 3, 2008

File #46776

2. Street Committee Meeting of June 10, 2008

- a. Motion that the speed humps at the following locations be removed
  - i. Nantucket Drive between Norwich Drive and Mockingbird Drive (Ward 10)
  - ii. Boschert Drive between Pine Street and West Clark Street (Ward 7)
  - iii. Chesstal between Charwood and Chargene (Ward 9)

REMOVED FROM THE CONSENT AGENDA

- b. Motion to approve the overlay of Alleys A-204, A-205, A-206, and A-207 Running Parallel and East of Second Street from Lawrence to French, as Indicated on the Map Dates April 29, 2008
- c. Motion to Support Performing a City-Wide Traffic Study in 2011
- d. Motion to Request that the Director of Public Works Provide the Street Committee with an Estimate to Perform an Internal Evaluation of Stop Sign Locations and the Need for the Existing Stop Signs in Wards 1, 2, 7, 8, 9, and 10

3. Council Work Session of June 10, 2008

File #46725

C. Receipt of Reports from Boards, Commissions or Committees

1. Citizens with Disabilities Advisory Board Meeting of November 29, 2006
  - a. Motion Proceed with the Development of the Disabilities Guide

File #46199

2. Citizens with Disabilities Advisory Board Meeting of November 28, 2007

File #46546

3. Citizens with Disabilities Advisory Board Meeting of January 23, 2008

File #46862

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

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4. Board of Public Works Meeting of May 8, 2008
- a. Motion to Recommend that the City Not Negotiate a Contract with Reitz & Jens for the Design of the Sandfort Creek Flood Protection Project
  - b. Motion to Recommend Approval to Allow the Installation of an Underground Detention Facility
- File #46765
5. St. Charles Senior Citizens Advisory Commission Meeting of April 15, 2008
- File #46761
6. Riverfest, July 4<sup>th</sup> Celebration Committee Meeting of May 14, 2008
- a. Motion to Pay Mark Aschen up to \$5,000, if Funding is Available
- File #46764
7. Economic Development Commission Meeting of May 8, 2008
- File #46763
- D. Receipt of Reports of the Director of Administration
- None
- E. Approval of Contracts and Easements from \$30,000 - \$99,999
- 1. Contract with Arthur J. Gallagher Second Renewal for Brokerage Services for 2009 in an amount of \$30,000.00
- File #46863
- 2. Contract with Reitz & Jens, Inc. for Design of Flood Protection Along Sandfort Creek in the Amount of \$93,964.00
- REMOVED FROM THE CONSENT AGENDA
- 3. Contract with Save On Mail for Postal Services for the Convention & Visitors Bureau in the Amount of \$40,000
- File #46864
- F. Preliminary Plats
- None
- G. Miscellaneous
- 1. Home Improvement Loans
- File #46810
- 2. Approval of Liquor License Application for William K. Hollis, dba Circle K #1629, located at 3401 Harry S Truman Boulevard
- File #46710
- 3. Approval of Liquor License Application for William K. Hollis, dba Circle K #1645, located at 3700 Elm Street
- File #46710



RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

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4. Approval of Liquor License Application for William K. Hollis, dba Circle K #1642, located at 2702 Droste Road  
File #46710
5. Approval of Liquor License Application for Timothy Maxvill, dba Mobil Mart #225, located at 2305 Droste Road  
File #46710
6. Approval of Liquor License Application for Karen Rader, dba Rader's Diamond Mine, located at 1540 Country Club Plaza  
File #46710

ITEMS REMOVED FROM CONSENT AGENDA

Item 8.B.2. Street Committee Meeting of June 10, 2008 (a) Motion that the speed humps at the following locations be removed: (i) Nantucket Drive between Norwich Drive and Mockingbird Drive (Ward 10); (ii) Boschert Drive between Pine Street and West Clark Street (Ward 7); and (iii) Chesstal between Charwood and Chargene (Ward 9)

Councilmember Bob Kneemiller stated that Council Rule 13(A) previously included a provision which allowed for Staff to proceed with action taken by Council Committees following approval of the Committee Minutes; however, this portion of the Council Rule was deleted due to concern that actions of Committees would be approved without full Council consideration. Direction was given that City Clerk Marilyn McCoy provide a recommendation to the Council to address the approval process for Council Committee actions. A motion was made by ERV ERMELING to approve the removal of the speed humps at the following locations: (i) Nantucket Drive between Norwich Drive and Mockingbird Drive (Ward 10); (ii) Boschert Drive between Pine Street and West Clark Street (Ward 7); and (iii) Chesstal between Charwood and Chargene (Ward 9). BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: None. Motion passed.  
File #46775

Item 8.E.2. Contract with Reitz & Jens, Inc. for Design of Flood Protection Along Sandfort Creek in the Amount of \$93,964.00

President of the Council Jerry Reese responded to an inquiry of Councilmember Dave Beckering that there were no structures which have flooded in the area; however, it has been close to flooding. Discussion was held relative to the approval of the Project in the Capital Improvement Plan; and the recommendation of the Board of Public Works not to approve the project. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Laurie Feldman that the contract requires Reitz & Jens, Inc. to perform a full analysis and evaluation of the remedial action to be taken to prevent flooding of the area. A motion was made by JERRY REESE to approve the contract with Reitz & Jens, Inc. for design of flood protection along Sandfort Creek in the amount of \$93,964.00. LARRY MUENCH

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

---

seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Ermeling, Feldman, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": Beckering and Klinghammer. Absent: None. Motion passed.  
File #46865

REPORT OF THE MAYOR

Presentation of City Clerk Marilyn McCoy

The presentation of City Clerk Marilyn McCoy was rescheduled to September 2, 2008.

Budget Amendment No. 4 (Council Bill 9686)

The Honorable Mayor Patricia M. York explained the items included in Budget Amendment No. 4.

Transmittal of the Capital Improvement Plan (CIP) 2009-2014

The Honorable Mayor Patricia M. York transmitted the Capital Improvement Plan 2009-2014.  
File #46866

Written and/or Verbal Messages from the Mayor

*SSM Health Center.* The Honorable Mayor Patricia M. York announced that SSM Health Center recently received the 2008 Premier Award for Quality.

*Strategic Plan.* The Honorable Mayor Patricia M. York stated that the recent Community Dialogue Sessions were successful; and that the Youth Advisory Commission and the Senior Citizen Advisory Commission will be scheduling sessions to encourage input from residents. Councilmember Larry Muench requested that the Citizens with Disabilities Commission also be included in sessions relative to the Strategic Plan.

*Tourism Grants.* The Honorable Mayor Patricia M. York commended Director of Convention & Visitors Bureau David Rosenwasser on receipt of various tourism grants.

*Riverfest.* The Honorable Mayor Patricia M. York announced that the Riverfest is scheduled for July 3-5, 2008; and that the parade is scheduled for July 4, 2008, commencing at 10:00 a.m. President of the Council Jerry Reese added that pole vaulting will be featured at the Riverfest on Saturday, July 5, 2008; and that a local resident who qualified for the Olympics will be performing.

*Municipal Band.* The Honorable Mayor Patricia M. York announced that the Municipal Band performs every Thursday evening in Frontier Park.

*Fridays in Frontier.* The Honorable Mayor Patricia M. York announced that Fridays in Frontier is scheduled for July 11, 2008.

*Music on Main.* Mayor Patricia M. York announced that Music on Main is scheduled for July 16, 2008, in the 100 & 200 Blocks of North Main Street.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update on Elm Street Reconstruction Project

Councilmember Michael Klinghammer gave an update on the Elm Street Reconstruction Project File #46730

Written and/or Verbal Messages from the Councilmembers

*Shakespeare in the Park* and *Hot Summer Nights*. Councilmember Bob Kneemiller stated that both Shakespeare in the Park and Hot Summer Nights held last weekend were very successful.

*Bum's Hollow Concert*. Councilmember Bob Kneemiller stated that the Bum's Hollow Concert was successful; however, requested that, prior to the next concert, signs be placed at locations within the City to notify residents of the event.

*St. Rose Philippine Duchesne*. Councilmember Richard Veit announced that the Academy of the Sacred Heart will celebrate the 20 year anniversary of the canonization of St. Rose Philippine Duchesne on July 3, 2008, at 5:00 p.m.

RECESS INTO CLOSED SESSION

A roll call vote was taken to recess into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), at 9:31 p.m., with the following results: "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Viet, and Weller. "Nay": None. Absent: None. Motion passed.

RECONVENE IN OPEN SESSION

The City Council reconvened in Open Session at 10:30 p.m., in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None.

**Bill 9658 (Amended)**

An Ordinance Authorizing a Cooperation Agreement By and Between the City of St. Charles and ShowMe Aquatics & Fitness for the Financing, Construction Operation and Management of a Community Center (*Sponsors: Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller*)

A motion was made by BOB KNEEMILLER to amend Council Bill 9658 by adding the following provisions to Section 7 of the Cooperation Agreement with ShowMe Aquatics &

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 1, 2008

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Fitness for the financing, construction, operation and management of a Community Center to read as follows:

The Aqua Ability Program is defined as a program providing structured instruction, coaching, therapy and programming for land and water-based activity for individuals and groups of all ages who, for whatever reason, live with impairments that limit movement. City and ShowMe agree that ShowMe's continued use of the Center for the Aqua Ability Program without charge, in the event of termination of this Agreement, is limited to no more than five (5) clients at any one time and said use does not extend to the use of office space or other parts of the Center. The City acknowledges and agrees that but for this right to continue to operate the Aqua Ability program at no charge even after termination of the Agreement, ShowMe would not enter into this Agreement.

LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, and Ermeling. "Nay": None. Absent: None. Motion passed.

Previous amendments were made to Council Bill 9658 as reported on Pages 170 and 171 of the Record.

The Regular Council Meeting was adjourned at 10:35 p.m.

August 5, 2008  
Date Approved

Marilyn M. Kay  
City Clerk

Jerry Reese  
Jerry Reese, Presiding Officer